

Applicant: Erik Buntinx
Serial No.: 10/580,962
Filed: May 31, 2006
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REMARKS

Claims 82-109 were pending in the subject application. By this amendment, Claims 82-109 have been canceled without prejudice or disclaimer, and new Claims 110-142 have been added. Applicant maintains that the amendments do not raise an issue of new matter. Entry of the amendments is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 86, 94, 105-106 and 108 were rejected as being unpatentable over WO 01/41701 in view of Van Oekelen et al. (Eur. J. Pharm. 425: 21-32, 2001).

This rejection is rendered moot by the cancelation of these claims.

The pending claims are now directed to the combination of pipamperone and escitalopram in specified dosage amounts. Applicant notes that the U.S. Patent Office has now acknowledged the nonobvious, unexpected results of the combination of low dose pipamperone and citalopram (in specified doses) (see in particular the detailed Reasons for Allowance in the Notice of Allowance dated June 23, 2010 in U.S. Patent Application No. 10/752,423, and also the Interview Summary dated June 6, 2010 in U.S. Patent Application No. 10/752,423 and the Interview Summary dated June 8, 2010 in U.S. Patent Application No. 10/725,965). Applicant further notes that escitalopram is the S-stereoisomer (enantiomer) of citalopram.

Rejections under 35 U.S.C. §112, First Paragraph

Claims 106 and 108 are rejected as not enabled for reciting active metabolites of the specified compounds. This rejection has been obviated by the claim amendments made herein above, i.e. the new claims do not recite "metabolites."

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Provisional Obviousness-type Double Patenting Rejection

Claims 86, 94 and 105 were provisionally rejected as being unpatentable over Claim 41 of co-pending U.S. Patent Application No. 10/752,965. This rejection is rendered moot by the cancelation of these claims.

Status of U.S. Patent Family Members

Applicant would also like to advise the Examiner of the status of co-pending patent family members.

1. U.S. Patent Application No. 10/725,965. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on January 23, 2008, September 15, 2008 and June 10, 2009. The Examiner has indicated that claims directed to the combination of pipamperone and citalopram in specific dosage amounts are allowable (see Interview Summary dated June 8, 2010 in the present case, and Interview Summary dated June 6, 2010 and Notice of Allowance dated June 23, 2010 in U.S. Patent Application No. 10/752,423).

2. U.S. Patent Application No. 10/752,423. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on October 2, 2007, May 13, 2008, February 19, 2009, August 5, 2009 and March 18, 2010. The application was allowed on June 23, 2010 with claims directed to methods for treating an anxiety disorder in a patient comprising administering to the patient a pharmaceutical composition comprising pipamperone in a dose of 5-15 mg and citalopram in a dose of 10-40 mg.

3. U.S. Patent Application No. 10/803,793. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on May 3, 2007, October 19, 2007, September 2, 2008, February 20, 2009, November 10, 2009 and June 8, 2010. Claims 50, 55, 92 and 93 are allowed.

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4. U.S. Patent Application No. 10/984,683. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on August 10, 2007, February 22, 2008, October 21, 2008, July 21, 2009 and June 23, 2010.

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references that are listed on the attached forms PTO/SB/08A-B (2 pages). A copy of each non-US patent document is attached hereto.

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CONCLUSIONS

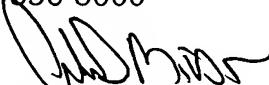
In view of the preceding amendments and remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejections in the April 14, 2010 Office Action, and earnestly solicit allowance of the pending claims. If there is any minor matter preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

A check for \$2,238.00 is enclosed for a small entity for the \$405.00 fee for a submitting a Request for Continued Examination, the \$195.00 fee for multiple dependent claims, and the \$1,638.00 fee for 63 claims in addition to the 28 claims previously paid for (\$26 per excess claim). No other fee is deemed necessary in connection with the filing of this reply. However, if any other fee is required with this reply or to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Overcharges may also be credited to Deposit Account 01-1785.

Respectfully submitted,

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Dated: July 14, 2010
New York, New York

By 
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